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A limited liability partnership formed in the State of Delaware

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Attorneys for Petitioner  
Maria Enrichetta Melzi Cargnani

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARIA ENRICHETTA MELZI CARGNANI,

Petitioner,

vs.

PEWAG AUSTRIA G.m.b.H., PEWAG  
WEISSENFELS HOLDING A.G., PEWAG  
WEISSENFELS INTERNATIONAL G.m.b.H.,  
and AGYD PENGK, an individual,

Respondents.

No.: 2:05-CV-00133-WBS-JFM

**JOINT STATUS REPORT AND REQUEST  
FOR CONTINUANCE OF STATUS  
CONFERENCE; [PROPOSED] ORDER**

**Date:** October 23, 2005

**Time:** 9:00 a.m.

**Courtroom:** 5

**The Honorable William B. Shubb**

Pursuant to Local Rule 16-240 and the Court's Order Setting Status (Pre-Trial Scheduling) Conference, Petitioner Maria Enrichetta Melzi Cargnani ("Petitioner") and Respondents Pewag Austria G.m.b.H., Pewag Weissenfels Holding A.G., Pewag Weissenfels International G.m.b.H. and Agyd Pengk (collectively "Respondents") hereby submit the following Joint Status Report:

**A. Petitioner's Summary of Claims and Status of Service**

On or about September 17, 2003, Petitioner obtained an arbitration award in her favor and against Respondents Pewag Austria G.m.b.H. ("Pewag Austria"), Pewag Weissenfels Holding A.G. ("Pewag Holding"), Pewag Weissenfels International G.m.b.H. ("Pewag International") and Agyd Pengg ("Pengg")(collectively "Respondents") in Trieste, Italy. The arbitration award provides that Respondents shall pay to Petitioner the sum of 7,331,530.00 Euro plus interest from April 30, 2002 until payment. The arbitration award further provides that Pewag Austria, Pewag International and Pengg shall pay to Petitioner the sum of 1,917,488.08 Euro plus interest from October 10, 2002 until payment. Respondents are also required to pay the costs and fees for the arbitration as set forth in the award. To date, Respondents have failed and refused to pay Petitioner the amount she is owed under the arbitration award. As a result, Petitioner filed this Petition to Enforce Foreign Arbitral Award.

Respondents have just recently been served. Because Respondents are Austrian corporations and an individual who resides in Austria and Austria is not a signatory to the Hague Convention, Petitioner has served Respondents through the process of Letters Rogatory.

**B. Respondents' Summary of Claims and Responsive Pleading**

Respondents deny that Petitioner is entitled to enforcement of the Arbitration Award, and further deny that Petitioner is entitled to any relief whatsoever. In addition, Respondents contend that this Court lacks personal jurisdiction over them, and that the Petition should be dismissed under Federal Rule of Civil Procedure 12(b)(2), or on the basis of *forum non conveniens*. Respondents further contend that, in the alternative, the Court should stay this action under Article VI of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (codified at 9 U.S.C. § 201 et seq.).

The parties stipulated to extend the time for Respondents to file their responsive pleading up to and including October 13, 2006. In lieu of an answer, Respondents are today filing with the Court a Motion to Dismiss or, In The Alternative, Stay this action, on the grounds set forth above. Based on communications with the Court, the Respondents' Motion is noticed for hearing on November 27, 2006, which Respondents understand is the next available date to have a civil motion heard.

**C. Possible Joinder of Additional Parties**

The parties do not anticipate joining any additional parties at this time.

**D. Contemplated Amendments to the Pleadings**

Petitioner does not anticipate amending its Petition at this time.

**E. Statutory Bases for Jurisdiction**

Petitioner brings this action pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 9 U.S.C. § 201 et seq. This Court has subject matter jurisdiction pursuant to 9 U.S.C. § 203. As noted above, Respondents contend that this Court lacks personal jurisdiction over Respondents.

**F. Discovery Plan/Discovery Cut-Off**

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(E)(viii) and Local Rule 16-240(c), the parties are exempt from the requirement of submitting a discovery plan because this action involves a petition to enforce arbitration award.

**G. Request for Further Status Conference**

As the Court is aware, there is currently a status conference scheduled for October 23, 2006. In light of Respondents' Motion to Dismiss Or, in the Alternative, Stay this action, the parties believe that it would be appropriate to continue that status conference until some time after the hearing on Respondents' Motion, and perhaps until after resolution of that Motion.

DATED: October 13, 2006.

REED SMITH LLP

By

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Theodore T. Ting  
Karen A. Braje  
Attorneys for Petitioner  
Maria Enrichetta Melzi Cargnani

DATED: October 13, 2006

KRIEG, KELLER, SLOAN, REILLEY &  
ROMAN LLP

By

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Michael Lisi  
Attorneys for Respondents  
Pewag Austria G.m.b.H., Pewag Weissenfels  
Holding A.G., Pewag Weissenfels International  
G.m.b.H., and Aygg Pengg

**ORDER**

In light of Respondents' pending Motion to Dismiss Or, in the Alternative, Stay this action, this Court continues the Status Conference currently scheduled for October 23, 2006, at 9:00 a.m. to December 18, 2006 at 9:00 A.M. in Department 5 of this Court.

IT IS SO ORDERED.

DATED: October 16, 2006



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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